

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

UNITED STATES OF AMERICA

v.

Case No. 2:16cr6
(MOTION NO. 16)

ANTHONY L. BURFOOT

**DEFENDANT ANTHONY L. BURFOOT'S REQUEST FOR CERTAIN DISCOVERY MATERIALS IN
CONNECTION WITH ALLEGATIONS OF ANTICIPATED GOVERNMENT WITNESS RONALD W.
BOONE, SR.**

COMES NOW the defendant, Anthony L. Burfoot, by counsel, and, pursuant to the Court's Order of January 20, 2016 for, *inter alia*, Discovery and Inspection, respectfully requests that the Government forthwith produce certain specific discovery materials in connection with the allegations of anticipated Government witness Ronald W. Boone, Sr., as follows:¹

1. All books, papers, documents, data, photographs, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the government, which are material to the preparation of the defendant's defense or are intended for use by the Government as evidence in chief at the trial, or were obtained from or belong to the defendant, and which are relevant to, relate to, are evidence of, or are otherwise pertinent to the allegations contained in Count Two of the Criminal Information filed in this Court against Mr. Boone on September 15, 2016 and which Count Two alleges a Conspiracy to Commit an Offense Against the United States, to-wit, alleged conspiracy between Mr. Boone, the defendant and others to commit honest services wire fraud.

¹ Subsequent to Mr. Boone's guilty pleas in this Court on September 16, 2016, the Government has produced to the defendant certain supplemental discovery in connection with Mr. Boone. The defendant appreciates the Government's supplementation of its discovery but nevertheless files the herein Request to assure that defendant has the pretrial opportunity to examine all relevant potentially discoverable items in connection with Mr. Boone by specifying to the Government certain specific categories of potentially discoverable evidence.

2. Any and all books, papers, documents, data, photographs, tangible objects, records or other items in any way relevant to, relating to, evidencing, or otherwise pertinent to the following:

A. Any alleged cash, dinners, access to a beach house, and other things of value allegedly provided by Mr. Boone to the defendant in exchange for defendant's performing or agreeing or promising to perform official actions to benefit Mr. Boone and his business interests as alleged in Mr. Boone's aforementioned Criminal Information and in the Statement Of Facts filed on September 16, 2016 in support of Mr. Boone's guilty pleas;

B. Any alleged official acts undertaken by the defendant, or agreed or promised by the defendant to be undertaken in exchange for such things of value from Mr. Boone and his business interests, as alleged in the Criminal Information and in the Statement Of Facts;

C. Any City ordinances, special exceptions, or other matters before the Norfolk City Council upon which the defendant voted in Mr. Boone's favor (including an encroachment on the City's right-of-way at Atlans Street, as well as the City's consideration of amending certain Ocean View restaurants' special exceptions to remain open until certain hours), allegedly in exchange for such things of value from Mr. Boone as alleged in the Criminal Information and in the Statement Of Facts.

D. The defendant's alleged promise to assist Mr. Boone as City Treasurer to advocate for Mr. Boone concerning official City matters, to waive penalties and interest for Mr. Boone on property tax sales, and to provide Mr. Boone with advanced notice of properties subject to tax sales, as alleged in the Criminal Information and in the Statement Of Facts;

E. The defendant's alleged acts or actions in exchange for things of value from Mr. Boone in allegedly assisting Mr. Boone by insuring that a particular individual was removed from the Board of Commissioners for the Norfolk Redevelopment and Housing Authority.

F. The alleged corrupt *quid pro quo* relationship between Mr. Boone and another high-ranking Norfolk City official wherein Mr. Boone allegedly provided cash and other things of value in exchange for that official's using his position to benefit Mr. Boone, as alleged in paragraph 52 of the Statement Of Facts.

3. Any and all records, documents, data, papers, or other items in any way relevant to, relating to, evidencing, or otherwise pertinent to the alleged telephone and cell phone calls and communications alleged in the Criminal Information and in the Statement Of Facts at various times between the defendant and Mr. Boone.

ANTHONY L. BURFOOT
By: _____ /s/
Of counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of October, 2016, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

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Assistant United States Attorney

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/s/
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